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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/556,440 | 04/24/2000 | Ruth A. Gjerset | INRP:032-2 | 7465 |

7590

07/09/2002

Steven L Highlander
Fulbright & Jaworski L L P
600 Congress Avenue
Suite 2400
Austin, TX 78701

EXAMINER

BRUMBACK, BRENDA G

ART UNIT

PAPER NUMBER

1642

DATE MAILED: 07/09/2002

11

Please find below and/or attached an Office communication concerning this application or proceeding.



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| APPLICATION NO./ CONTROL NO. | FILING DATE | FIRST NAMED INVENTOR / PATENT IN REEXAMINATION | ATTORNEY DOCKET NO. |
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Commissioner of Patents and Trademarks

The communication filed on 04/04/2002 is not fully responsive to the communication mailed 10/24/2001 for the following reasons: The article cited in the arguments pertaining to the outstanding rejections under 35 U.S.C. 102 and 103 as teaching the distinction between DNA damaging agents and DNA-repair inhibitors (Martin, Journal of Photochemistry and Photobiology, 63:162-70, 2001) was not found with applicant's response and was not previously of record. Since this article was cited as evidence supporting applicant's argument, a copy of the article is required for full consideration of applicant's argument. Additionally, for consideration of the Wilson Declaration, which was cited in the arguments as providing evidence of enablement, the declaration must be signed. The copy of the declaration attached to applicant's response was not signed. Applicant is required to furnish both a copy of the Martin reference and a signed copy of the Wilson declaration for full consideration of the arguments filed 04/04/2002.

Since the response appears to be bona fide, but through an apparent oversight or inadvertence failed to provide a complete response, applicant is given ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brenda Brumback whose telephone number is (703) 306-3220. If the examiner can not be reached, inquiries can be directed to Supervisory Patent Examiner Anthony Caputa whose telephone number is (703) 308-3995. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0196. Papers related to this application may be submitted to Group 1600 by facsimile transmission. Papers should be faxed to Examiner Brenda Brumback, Art Unit 1642 and should be marked "OFFICIAL" for entry into prosecution history or "DRAFT" for consideration by the examiner without entry. The Official FAX telephone number is (703) 872-9306 and the After Final FAX telephone number is (703) 872-9307. FAX machines will be available to receive transmissions 24 hours a day. In compliance with 1096 OG 30, the filing date accorded to each OFFICIAL fax transmission will be determined by the FAX machine's stamped date found on the last page of the transmission, unless that date is a Saturday, Sunday or Federal Holiday with the District of Columbia, in which case the OFFICIAL date of receipt will be the next business day.

BB
7/8/02

Brenda Brumback
Brenda Brumback
Primary Examiner